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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

PHILLIP RACIES, On Behalf of  
Himself and All Others Similarly  
Situated,

Plaintiff,

vs.

QUINCY BIOSCIENCE, LLC, a  
Wisconsin limited liability company,

Defendant.

) Case No. 4:15-cv-00292-HSG

) **PLAINTIFF'S FORM WITNESS**  
) **LIST**

) Judge: Hon. Haywood S. Gilliam, Jr.

) Complaint Filed: January 21, 2015  
) Trial Date: January 6, 2020

Plaintiff Phillip Racies on behalf of himself and all others similarly situated, hereby submits the list of all witnesses Plaintiff expects to call at trial, other than those contemplated to be used solely for impeachment. Plaintiff expressly reserves the right to supplement or amend this list pending the Court's pre-trial rulings. Plaintiff also reserves the right to subpoena Defendant's witnesses for the sole purpose of authenticating documents produced by Defendants in this litigation, if necessary.

Witness Name	Brief Summary of Testimony	Exhibits
Plaintiff Phillip Racies	<p>Will appear as a witness in Plaintiff's case in chief. Plaintiff Racies will testify regarding the facts surrounding his purchase of Defendant's Prevagen, including, but not limited to, the reasons he purchased Prevagen, what he relied upon in making his purchase decision, and how much he paid for the Prevagen.</p> <p>Plaintiff's testimony is unique because he will be the only witness testifying about his purchase.</p>	
Mark Y. Underwood	Will be called as an adverse witness during Plaintiff's case in chief. Mr. Underwood is expected to testify about the history of apoeaquorin and Prevagen, Defendant's initial development of Prevagen as a product, as well at its marketing of same from its earliest through the present;	

	Defendant's communications with the FDA, including its submission of its GRAS statement to the FDA; and Defendant's wholesale through retail sales information from 2011 through May 7, 2019 (the class period), including all the subject matters set forth in Mr. Underwood's October 13, 2017 declaration (Dkt. No. 128-1).	
Daniel L. Moran	Withdrawn <sup>1</sup>	
Richard P. Bazinet, Ph.D.	<p>Will appear as a witness in Plaintiff's case in chief and during Plaintiff's rebuttal. Dr. Bazinet will testify on the subjects set forth in his Expert Report dated September 28, 2015, Rebuttal Expert Report dated January 14, 2016, as well as his deposition and declarations in this case.</p> <p>Dr. Bazinet's opinions will be unique because he will be the only science expert witness testifying on behalf of Plaintiff and the Class.</p>	

Dated: January 3, 2020

Respectfully Submitted,

<sup>1</sup> Plaintiff has withdrawn Mr. Moran as a trial witness based on Defendant's representation that Mr. Moran will not be present at trial. Should Mr. Moran appear, Plaintiff reserves the right to call him in his case in chief.

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By: /s/ Patricia N. Syverson  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

I certify under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 3rd day of January 2020.

/s/ Patricia N. Syverson

Patricia N. Syverson (203111)

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